

Town of Newington, NH
PLANNING BOARD

Meeting Minutes, Monday, March 12, 2018

- Call to Order:** Chair Denis Hebert called the March 12, 2018 meeting at 6:30 p.m., followed by the pledge of allegiance.
- Present:** Chair Denis Hebert; Vice-Chair Christopher Cross; the Board Members: Bernie Christopher; Jim Weiner; Peter Welch; Alternate Member: Ken Latchaw; the Board of Selectmen's Representative, Mike Marconi; Planner, Gerald Coogan and Jane Kendall, Recorder
- Absent:** Rick Stern
- Public Guests:** Jeff Semprini; Peter Beauregard and Erol Moe with Stoneface Brewing Company; Julie LaBranche with Rockingham Planning Commission; Ted Connors; Newington Building Inspector, Kevin Kelly

1) New Business:

- A. Discussion with **Jeff Semprini** regarding building height on property located at **15 Fabyan Point Road, Tax Map #, Lot #**

Chair Hebert informed the Board that Newington Building Inspector, Kevin Kelly had recommended that Jeff Semprini appear before the Planning the Board to discuss his building application regarding the proposed Warrant Article regarding the Building Height Ordinance. Mr. Kelly stated that he had always averaged height from four sides of a building according to the National Building Code, but the new Ordinance required that height be measured from predevelopment.

Mr. Kelly showed the Board photos of the steep elevation change toward the back of the applicant's property, noting that the road would be so high that people sitting on road could look into his second-floor window.

Board member, Peter Welch asked what the elevation of the first floor was relative to the road. Mr. Kelly replied that he was not sure, but he thought 10 feet was reasonable with some flexibility so that the second floor could be brought up from below the road's elevation. Mr. Semprini replied that he was not sure how much elevation would be required, but noted that the former property owner and builder, Ben Johnson

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had appeared before the Board in November 2018 to request an exception to the driveway regulations so that the curb cut could come in at an angle instead of straight down.

Alternate Board member, Ken Latchaw suggested that the fill be tapered so that the lot would look like it belonged to the terrain.

Mr. Kelly said he understood the Board's concern with limiting building heights, but elevation changes were common in New England and there were circumstances that would require exceptions so that buildings would fit terrain and neighborhoods.

Chair Hebert stated that it was difficult to capture all scenarios in the wording of Ordinances and agreed that this was an example of someone with a lot in a hole requiring a case by case review by the Board.

Mr. Latchaw commented that he had proposed taking an average as Mr. Kelly suggested in the Board's earlier discussions regarding the Ordinance change and suggested that the Board consider modifying the wording later, but thought it was good to review buildings case by case. Chair Hebert agreed, but said the problem was finding adequate wording that would prevent someone from building on a mound.

Mr. Kelly said it was unusual to see homes built on high mounds as was the case in a recently built home in town, but he was bringing this building plan approval before the Board's for a decision because of the height restriction wording. Chair Hebert replied that he believed the Board could give him the tools to make a decision without having to come before to the Board for every case. Mr. Kelly suggested removing the word "predevelopment" from the Ordinance would work better.

Board member, Jim Weiner said he thought the Board could review Mr. Kelly's suggestion over the next year. Town Planner, Gerald Coogan said the Board could review the wording and the recommended change would become effective as soon as it was posted.

Mr. Coogan asked if Mr. Kelly could handle questions on height administratively if something similar occurs in future and Chair Hebert replied that it was important to for the Board to make determinations so that they could be aware of any issues with Ordinances.

Before taking a vote, Mr. Weiner announced that he was a friend of a friend of Mr. Semprini's, but he had only met Mr. Semprini recently. Board of Selectmen's representative, Mike Marconi informed that Board that he was a relative of Mr. Semprini. It was determined that there would be no conflict of interest for either Mr. Weiner or Mr. Marconi to participate in the vote.

Vice-Chair Cross moved to approve a request by Jeff Semprini for an exception to the building height restriction for his property located at 15 Fabyan Point Road, Tax Map #, Lot #. Mr. Marconi second the motion and all were in favor.

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B. Discussion with Stoneface Brewing Company regarding live music at their establishment located on Shattuck Way, Tax Map #, Lot #

Stoneface Brewing proprietors, Peter Beauregard and Erol Moe informed the Board that they had emailed Mr. Coogan with an inquiry on whether they might be allowed to host live music in their establishment on occasion. Mr. Beauregard stated that he had talked with Newington Fire Chief, Andrew Head on the matter and was told that he would have no problem with it so long as they had a floor and seating chart.

Chair Hebert said they had done a good job getting cars from parking along the road, but his main concern would be parking. Mr. Beauregard replied that they had viewed their security camera on Saturdays and noted that people were not stopping, and Fridays and Saturdays were their busiest times anyhow, so they would not have weekend entertainment, but would most likely schedule it on a Wednesday or Thursday evening.

Mr. Marconi asked what hours they were open on Wednesdays and Thursdays. Mr. Beauregard replied that they opened at 11 a.m. and closed at 8:30 p.m.

Mr. Beauregard said occupancy was for less than 100 people and they were already busy so and didn't need to promote their business, but they had friends who would like to play so would be nice for one or two people on occasion.

Board member, Bernie Christopher said compliment to business and not concern with exceeding capacity. Mr. Weiner added that it sounded like they were proposing a coffee house style of music.

Chair Hebert commented that his concern was that there would be inadequate parking and that no one would go. He said he could also see their business as growing and then they might leave the site after receiving approval.

Chair Hebert went on to say that the Board had talked about an overlay zone, but that hadn't happened yet, and he was concerned with uses continuing to expand.

Mr. Weiner said he understood that the site was not zoned for entertainment and the concern with setting a precedent, but he wondered if the Board could approve a monthly event use as a special exception for a trial period of six months. Chair Hebert said he was not sure if the Board could legally approve something that would expire with the business rather than a variance that would go with the property.

Mr. Christopher commented that he thought that the entertainment was incidental and that he liked Mr. Weiner's idea of approving on a trial basis.

Mr. Latchaw responded that he didn't think it would be necessary to see the applicant every six months and Mr. Christopher agreed that it should only be for the first six months.

Vice-Chair Cross commented that he didn't think they should set limits on the number of times they returned because they needed to see how it worked for the long term. Vice-Chair Cross added that he liked the idea, but given the zoning, he preferred

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to see the proposal framed as supporting their manufacturing capability as a condition of approval as they would for any other business.

*Chris Cross moved to approve the request by **Stoneface Brewing Company** regarding live music inside of their establishment located on Shattuck Way, Tax Map #, Lot # for the purpose of supporting their brand recognition and manufacturing sales. Ken Latchaw seconded the motion.*

Discussion ensued, and Chair Hebert stated that he didn't disagree, but he wanted to speak up for the Ordinance and he would rather see a change in the Ordinance because that was how the Town would lose control a little at a time through cracks.

Mr. Marconi replied that the Board could limit how many people were playing, but he agreed with Mr. Christopher and Vice-Chair Cross' motion pointed to the business.

Mr. Beauregard stated that they only wanted an opportunity for quiet entertainment for special occasions like a wedding rehearsal dinner, but it wouldn't be a deal breaker for them.

Mr. Latchaw asked what frequency that it would occur, and Mr. Beauregard said once a week or every other week.

Mr. Weiner pointed out that parking spillover to Rockingham Electric across the street was not approved in the original approval. Mr. Beauregard agreed and said they would pay for traffic detail if it was necessary for the upcoming St. Patrick's holiday.

All were in favor and the motion passed unanimously.

- C. Discussion with Julie LaBranche with Rockingham Planning Commission regarding Master Plan draft on climate adaptation and resilience recommendations as part of the Setting SAIL project.

Julie LaBranche with Rockingham Planning Commission (RPC) returned to answer the Board's question on her recommendations for the Master Plan updates. Ms. LaBranche said she had aligned her recommendations by sections, language, the vision statement, and existing and future land chapters.

Ms. LaBranche passed out a glossary of terms and explained the definition for free boarding that referred to floodplains with 1-2 feet above the 100-year flood plain elevation for development standards.

Chair Hebert commented that nothing like Storm Sandy had been seen in his lifetime and asked about recommendations for the 1,000-year storm. Ms. LaBranche replied that some locations like inlets on Great Bay Wildlife Refuge, the Great Bay Marina parking lot and up to the foundation of their building, some lower areas to the

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south by Little Bay Lobster and on the other side of Bloody Point from a significant flood event, but most locations were elevated and would not be in danger.

Ms. LaBranche noted that the rising sea levels and storm surge reports didn't show impacts of freshwater flooding, but there was some concern for finding ways to manage municipal structures.

Ms. LaBranche added that four culverts in Newington were identified as needing improvements. Mr. Marconi asked Ms. LaBranche to provide a copy of her report to Town Administrator, Martha Roy.

Vice-Chair Cross commented that the Master Plan subcommittee was focusing on streamlining the document and that the vision statement would be shorter than recommended, but he thought there would be more space for graphs showing adaptations for climate change and they could put her report in a separate appendix. Ms. LaBranche replied that her report was put together so that it could be cut up or condensed in an appendix to adapt to Newington's Master Plan.

Mr. Weiner suggested that the revision of building codes to allow structures to be built base sea levels. Mr. Latchaw noted that many places being built along Moody Beach and along Rye were being built on stilts.

Mr. Welch commented that most cases of flood water in Newington had nothing to do with storm surge, however. Chair Hebert agreed and said some of it had to do with soil percolation. Mr. Marconi replied that was what made culvert upkeep an important issue in many locations such as Coleman Drive where resident, Dave Mueller cleaned the culvert by hand himself to reduce drainage onto his property.

Vice-Chair Cross noted that there were two dams in Newington and asked what the pro's and negatives would be of keeping them or getting rid of them. Ms. LaBranche replied that it would depend where the water was coming from and if the dam became too expensive for the Town to maintain. Vice-Chair Cross replied that water drained from Pease Golf Course, Airport Road and from some streams into Great Bay along Newington Road. Chair Hebert commented that Kennard Pond was originally built for water for the fire department's use and was recently revitalized for the same use.

Ms. LaBranche stated that the goals and action items were intended as umbrellas for public safety and being too brief in the Master Plan might not allow flexibility for future. Chair Hebert agreed, noting that the Master Plan had helped make a case with Eversource and it helped make a case against the Northern Pass because by providing a reference to proper or improper utility uses.

Chair Hebert stated that he was happy with Ms. LaBranche's report and wanted to be sure that was passed on to Rockingham County Planning Commission Director, Tim Roach. Vice-Chair Cross agreed that her report stood well by itself and that it could be included in the appendix.

Ms. LaBranche suggested that the Board also include the goals and action items in the body of the Master Plan, especially the section on transportation and community preparedness and transportation items.

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2) Other Business:

A) Master Plan: Update

Vice-Chair Cross informed the Board that the last subcommittee was postponed, but they had an updated vision section incorporating resident's responses to the questionnaire and an update on existing land use for review.

Mr. Latchaw said he noticed a mention of invasive species in the new section and wondered if it would be appropriate to include how to address the incurable air born fungus disease that was causing needle drop on spruce trees though town.

Vice-Chair Cross said the vision statement would identify the core goals, followed by a short discussion on implementing the goals and recommendations, and then the changing environment and preserving open spaces where invasive species and diseases could be added.

Vice-Chair Cross said he had also talked with Rockingham County Planning Commission's Executive Director, Tim Roach Sat to address concerns. Vice-Chair Cross said that most of the ideas for change were from the subcommittee and that they just wanted RPC to let them know if anything was missing and they didn't think they needed a complete change from a commercial firm.

B) Additional Discussions:

Mr. Coogan passed out a revised traffic study for the proposed hotel on the corner of Woodbury Avenue and Piscataqua Drive.

Vice-Chair Cross asked if Mr. Coogan had heard anything from the New Hampshire Department of Transportation (DOT) or District 6 regarding he long term regional plans for Woodbury Avenue. Mr. Coogan replied that he had not, but this was a response to developer, Anthony DiLorenzo's initial traffic study, however, Severino was under contract with the State and they could start on the Woodbury Avenue changes as early as April 2018.

Mr. Coogan announced that Town engineering consultant, Eric Weinrieb with Altus Engineering would attend the next meeting and he was also thinking of inviting Jim Hewitt from DOT as well. Vice-Chair Cross suggested that Mr. Hewitt might attend for input, but that he might not want to make a formal presentation yet.

Vice-Chair Cross commented that they should be sure that future lot line adjustment or subdivision application be aware that the Ordinance discouraged crossing lots for utility access. Chair Hebert agreed that it was important to consider other things involved besides traffic.

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Chair Hebert noted that he had informed the applicant that it would be important to be aware of the timeline and present a complete proposal before the changes on Woodbury Avenue were done.

Mr. Coogan also passed out the first installment of recommendations for lot line adjustments that was reviewed by Town counsel, Attorney John Ratigan. Chair Hebert stated that Mr. Coogan was also working with the building inspector and the Board in response to a recent challenge to clarify that it was not the same as a subdivision.

Minutes: *Mike Marconi moved to approve the Minutes for the February 26, 2018 meeting with corrections as noted. Peter Welch seconded, and all were in favor.*

Adjournment: *Chair Hebert moved to adjourn the meeting. Mr. Marconi seconded the motion and the meeting adjourned at 8:02 p.m.*

Next Meeting: Monday, March 26, 2018

**Respectfully
Submitted by:** Jane K. Kendall, Recording Secretary

These Minutes were approved and adopted at the March 26, 2018 Planning Board Meeting.